

SETTLEMENT AGREEMENT

This agreement is made and entered into between the Executive Branch Ethics Commission (hereinafter the "Commission") and Michael Cooper.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Michael Cooper*, Agency Case No. 12-005;

WHEREAS, the Commission is designated by statute as the agency responsible for enforcing the Executive Branch Code of Ethics, KRS Chapter 11A;

WHEREAS, on May 14, 2012, the Commission alleged facts in an Initiating Order that Michael Cooper violated the Executive Branch Code of Ethics at KRS 11A.020(1)(c) and (d);

WHEREAS, Michael Cooper was at all relevant times mentioned in the Initiating Order a "public servant" as defined in KRS 11A.010(9), and thus is subject to the Executive Branch Code of Ethics; and

WHEREAS, Michael Cooper indicates his desire to resolve all issues in this action by the execution of a Settlement Agreement.

NOW, THEREFORE, in settlement of the above allegations, the Commission and Michael Cooper agree, pursuant to KRS 11A.100, as follows:

1. Michael Cooper admits that he committed violations of the Executive Branch Code of Ethics at KRS 11A.020(1)(c) and (d) as stated in Appendix A of the Commission's Initiating Order of May 14, 2012, attached hereto and incorporated by reference herein.
2. Michael Cooper agrees to pay the Commission a civil penalty of two thousand dollars (\$2,000.00) concurrently with the execution of this Settlement Agreement.
3. Michael Cooper agrees that upon the Commission accepting the Settlement Agreement and entering the Final Order that he waives all rights to any further administrative process or appeal pursuant to KRS 13B.140 thereon.
4. The parties further agree that the acceptance of this Settlement Agreement by both parties, and the fulfillment of its express terms, is in full accord and satisfaction of the herein referenced *Executive Branch Ethics Commission v. Michael Cooper*, Agency Case No. 12-005.

5. This Settlement Agreement constitutes a public reprimand to Michael Cooper, a copy of which will be provided to his former appointing authority pursuant to KRS 11A.100(3)(c).

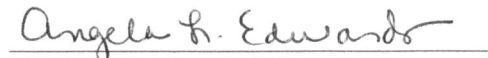
IN WITNESS THEREOF, the respondent has caused this agreement to be executed:


Michael Cooper

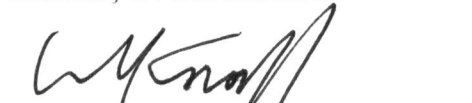

Date


WHEREFOR, the EXECUTIVE BRANCH ETHICS COMMISSION has approved and executed this settlement agreement.


ENTERED: July 2, 2012

7/1/12
ALE

~~Chair~~ Chair, Angela Edwards


Member, W. David Denton


Member, William Kropf


Member, William Francis


Member, Lewis G. Paisley

**APPENDIX A
CASE NO. 12-005
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Michael Cooper, was at all relevant times an employee of the Commonwealth of Kentucky, serving as the Commissioner of the Department of Tourism, Arts, and Heritage Cabinet. As such, the Respondent was subject to the jurisdiction of the Commission. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that Michael Cooper committed the following violation:

COUNT I

Michael Cooper, during his course of employment as a Commissioner of the Department of Tourism, Arts, and Heritage Cabinet, used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; and used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest.

Specifically, in June of 2011, prior to a prescheduled and approved trip to France, Cooper travelled to London, England, without notice to or prior approval of his appointing authority, and participated in events organized by GOSH PR. GOSH PR is an entity with which the Cabinet maintained an ongoing contract. During the London visit, GOSH PR paid for meals, taxi cabs and other activities. Upon returning to Kentucky, when questioned about leaving two days early for the France trip, Cooper informed his Cabinet by email that his trip to London was for personal reasons. However, Cooper later approved an invoice submitted by GOSH PR for reimbursement by the Cabinet of the expenses incurred by GOSH PR on Cooper's behalf during his London visit.

In addition, during Cooper's tenure as Commissioner, he generally failed to follow personnel rules for reporting travel expenses, charged personal items to a state-issued credit card without informing his Cabinet, conducted personal business while on approved state travel, booked more expensive flights so that he could travel for business and pleasure, and showed an overall failure to keep the documentation necessary for reimbursement for business travel. But for the efforts and watchful eye of the diligent staff of the Cabinet, Cooper's activities would have gone undetected and he would have benefitted financially and received privileges to which he should not have had access.

These facts constitute a violation of KRS 11A.020(1)(c) and(d).

KRS 11A.020(1)(c) and (d) provides:

- (1) No public servant, by himself or through others, shall knowingly:
 - (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or
 - (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

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